

**Larry Shaw**

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**From:** "Powell, Ken (NBC Universal, MSNBC)" <Ken.Powell@MSNBC.COM>  
**To:** "Larry Shaw" <Larry@spc-promotions.com>  
**Sent:** Wednesday, November 09, 2005 11:30 AM  
**Attach:** marilyn billow dress.jpg; Marilyn Scar.jpg  
**Subject:** RE: Marilyn Monroe photographs

Fortunately the show was still available...

Here's the shot we used from AP (1st, attached) and their media id info:

**#321780: Marilyn Monroe in dress billowing scene, taken during filming of Billy Wilder's "The Seven Year Itch", B&W photo on black**

Here's the only shot of Ms. Monroe in the billowing white dress featured during MSNBC's Scarborough Country presentation for Friday 11/4/05 (2nd, attached).

I have not contacted AP about this as I'm not sure if you feel the shot is in dispute - but if you believe it is, I'll get them on the phone and try to resolve this promptly.

Thanks, again...

Kenneth R. Powell  
MSNBC: Mgr., Rights & Clearances  
(201) 583-4069/583-5579 (fx)

-----Original Message-----

**From:** Larry Shaw [mailto:Larry@spc-promotions.com]  
**Sent:** Tuesday, November 08, 2005 6:32 PM  
**To:** Powell, Ken (NBC Universal, MSNBC)  
**Cc:** Martin Bressler, Esq.  
**Subject:** Marilyn Monroe photographs

Dear Ken,

I note that you are the manager for rights and clearances and I am confident that you realize that regardless of from what third party a particular photograph is obtained that party should be able to prove that they have the rights to the photos or not. It doesn't matter if a picture is obtained from AP, Getty Photos, Photofest, The Kobel Collection, MPTV, The Everett Collection or wherever. That party selling the photo either possesses the right to do so or does not.

In any event, the owner of the intellectual property rights of a photograph seeks payment from the end user of that photograph. And hopefully the end user has an indemnification clause in their contract with the party that has sold them the supposed usage rights. I hope MSNBC has such a clause with the AP because if the skirt blowing photo that you have used, is in fact ours, we look to the end user for payment. I hope you don't have to pay twice.

Ken, when we spoke earlier today I requested that you send me by email a thumbnail of the skirt blowing photo of Marilyn used on the Scarborough Country Broadcast. I personally did not see that program, however my wife Susan who is 38

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familiar with our Marilyn Monroe photographs as I am did see it and reports to me that the photograph used was not the one claimed by the AP in the past.

I'm sending an attachment with the photo that shows the photo I believe was used on Scarborough Country. This is similar to, almost identical to the one that AP claims. I really need to see the one that was used on your show.

Ken, can you send me either by fax or by email a W-9?

Here are our website:  
[www.spc-promotions.com](http://www.spc-promotions.com)  
[www.samshaw.com](http://www.samshaw.com)

My best regards,  
Larry Shaw  
Director  
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*This is our copyrighted photo.*



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